

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

EASTERN GATEWAY COMMUNITY COLLEGE,

Plaintiff,

v.

MIGUEL CARDONA, in his official capacity as United States Secretary of Education, and UNITED STATES DEPARTMENT OF EDUCATION,

Defendants.

Case No. 2:22-cv-03326-JLG-EPD

JOINT MOTION TO STAY CASE

Defendants Miguel Cardona and US Department of Education and Plaintiff Eastern Gateway Community College hereby jointly move for a three-month stay in the above-captioned matter while settlement discussions continue.

In support thereof, the Parties state as follows:

Following the Court's order granting Plaintiff's Motion for Preliminary Injunction, *see* ECF No. 37, the parties have been engaged in discussions on next steps in the case, including a possible settlement. Those discussions have been productive and are ongoing. The parties are currently discussing the contours of a potential settlement, including discussions of attorneys fees. The parties would benefit from a three-month stay of proceedings in this case to allow these productive discussions to continue.

Wherefor, the Parties respectfully request the Court stay the Defendants' January 20, 2023 Answer deadline, cancel the upcoming Preliminary Pretrial Conference scheduled for January 27, 2023, and associated deadlines, and stay all other case deadlines for a period

of three months. The parties propose that the Court order the parties to provide a status update on settlement discussions and next steps in the case, if any, by April 21, 2023, if the case has not been dismissed by then.

Dated: January 19, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/Alexander N. Ely
ALEXANDER N. ELY (DC Bar No. 230008)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW, Washington, DC 20005
Tel: (202) 993-5177; Fax: (202) 616-8470
alexander.n.ely@usdoj.gov

Counsel for Defendants

/s/ Adam D. Fuller
Justin M. Alaburda (#0082139)
Victoria L. Ferrise (#0085012)
Adam D. Fuller (#0076431)
BRENNAN, MANNA & DIAMOND, LLC
75 East Market Street
Akron, OH 44308
Ph: (330) 253-5060 / Fax: (330) 253-1977
jmalaburda@bmdllc.com
vlferrise@bmdllc.com
adfuller@bmdllc.com

Marlon A. Primes (#0043982)
Abigail E. Peabody (#0099804)
BRENNAN, MANNA & DIAMOND, LLC
200 Public Square
Huntington Building, Suite 3270

Cleveland, OH 44114
Ph: (216) 658-2155 / Fax: (216) 658-2156
maprimes@bmdllc.com
aepeabody@bmdllc.com

Bonnie Little Graham (admitted PHV)
Madelaine Cleghorn (admitted PHV)
Brustein & Manasevit, PLLC
1023 15th Street NW, Suite 500
Washington, DC 20005
Ph: (202) 965-3652 / Fax: (202) 965-8913
bgraham@bruman.com
mcleghorn@bruman.com

*Special Counsel for Plaintiff Eastern Gateway
Community College*